# AMENDED IN ASSEMBLY JUNE 2, 2003 AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003-04 REGULAR SESSION

## ASSEMBLY BILL

No. 1017

## **Introduced by Assembly Member Goldberg**

February 20, 2003

An act to add Sections 56064, 59001.2, 59001.4, 59009, 59010, 59011, and 59012 to, and to add Article 5 (commencing with Section 56070) to Chapter 1 of Part 30 of, 59012 to the Education Code, relating to teachers.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1017, as amended, Goldberg. Teachers: hiring preferences: instructing deaf pupils.

Existing law provides that all individuals with exceptional needs have a right to participate in free appropriate public education. Existing law also establishes the California School for the Deaf as part of the public school system and provides that the object of the school is the education of the deaf who, for specified reasons, cannot be provided an appropriate educational program and related services in the regular public schools.

This bill, commencing with the 2004–05 school year, would set forth hiring criteria for purposes of hiring an individual as a certificated employee to instruct deaf pupils at public schools or at the California School for the Deaf. The bill would establish a hiring preference for certificated individuals who achieve a minimum score of 4 on the American Sign Language Proficiency Index (ASLPI) or an equivalent

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score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test, as specified. The bill would prohibit a an individual from being hired as a certificated employee to instruct deaf pupils, unless the individual achieves a specified minimum score on one of those assessments. The bill would also establish hiring preferences, based on scores received on those assessments, for substitute teachers who are hired to instruct deaf pupils by the California School for the Deaf.

The bill would require a certificated employee who instructs deaf pupils and who has not achieved a minimum score of 4 on the ASLPI or an equivalent score on the SCPI or the alternate test to retake the assessments every three years as specified. The bill would require the employer California School for the Deaf to reimburse a certificated employee for the assessment fee if the employee receives a minimum score of 4 on the ASLPI or an equivalent score on the SCPI or the alternate test. By imposing new duties on school districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56064 is added to the Education Code,
- 2 to read:
- 3 56064. (a) In addition to the requirements in Section 56062,
- 4 for purposes of hiring a certificated individual to serve as a
- 5 substitute teacher to instruct deaf pupils, preference shall be given
- 6 as follows:

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(1) First, to a candidate who achieves a minimum score of 4 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test selected by the American Sign Language evaluation committee of the California School for the Deaf that assesses American Sign Language linguistic competency.

- (2) Second, to a candidate who achieves a minimum score of 3 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in paragraph (1).
- (3) Third, to a candidate who achieves a minimum score of 2.5 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in paragraph (1).
- (b) A candidate who fails to achieve a score of at least 2.5 on the ASLPI or who fails to achieve an equivalent score on the SCPI or on an alternate test, as described in paragraph (1), may not be hired as a substitute teacher.
- SEC. 2. Article 5 (commencing with Section 56070) is added to Chapter 1 of Part 30 of the Education Code, to read:

### Article 5. Teachers

56070. During the 2004–05, 2005–06, and 2006–07 school years, for purposes of hiring an individual as a certificated employee to instruct deaf pupils, preference shall first be given to a candidate who achieves a minimum score of 4 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test selected by the American Sign Language evaluation committee of the California School for the Deaf that assesses American Sign Language linguistic competency.

56071. (a) Commencing with the 2004–05 school year, an individual may not be hired as a certificated employee to instruct deaf pupils, unless the individual achieves a minimum score of 2.5 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test selected by the American Sign Language evaluation committee of the California School for the Deaf that assesses American Sign Language linguistic competency.

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(b) Commencing with the 2005–06 school year, a certificated individual may not be hired as a certificated employee to instruct deaf pupils, unless the individual achieves a minimum score of 3 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in subdivision (a).

- (e) Commencing with the 2006–07 school year, an individual may not be hired as a certificated employee to instruct deaf pupils, unless the individual achieves a minimum score of 3.5 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in subdivision (a).
- (d) Commencing with the 2007–08 school year, an individual may not be hired as a certificated employee to instruct deaf pupils, unless the individual achieves a minimum score of 4 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in subdivision (a).
- (e) The minimum test score requirements specified in subdivisions (a) to (d), inclusive, may be waived by the schoolsite superintendent if he or she certifies that no candidate who meets those requirements has applied to instruct deaf pupils and open positions remain.
- 56072. (a) Commencing with the 2004–05 school year, and every three years thereafter, a certificated employee who instructs deaf pupils and who has not achieved a minimum score of 4 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) test or on an alternate test selected by the American Sign Language evaluation committee of the California School for the Deaf that assesses American Sign Language linguistic competency, shall retake one of those assessments.
- (b) A certificated employee who instructs deaf pupils and who does not receive a minimum score of 4 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in subdivision (a), may not be subject to discipline based on his or her score. The certificated employee shall be encouraged to study until that score is achieved.
- (e) Any fee imposed to take the ASLPI, SCPI, or an alternate test, as described in subdivision (a), shall be paid by the certificated employee. If the certificated employee receives a minimum score of 4 on the ASLPI or an equivalent score on the

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1 SCPI or on the alternate test, the employer shall reimburse the certificated employee for that fee.

SEC. 3.

4 SECTION 1. Section 59001.2 is added to the Education Code, 5 to read:

- 59001.2. The Legislature finds and declares all of the following:
- (a) It is essential for the well-being and growth of deaf and hard-of-hearing pupils that educational programs recognize the unique nature of deafness and ensure that all deaf and hard-of-hearing pupils have appropriate, ongoing, and fully accessible educational opportunities.
- (b) It is essential that a deaf or hard-of-hearing pupil obtain an education in which special education teachers, psychologists, speech therapists, assessors, administrators, and other school and residential program personnel understand the unique nature of deafness and are trained to work with a deaf or hard-of-hearing pupil.
- (c) It is essential that a deaf or hard-of-hearing pupil obtain an education in which his or her special education teachers are proficient in the primary language mode of that pupil.
- (d) It is essential that a deaf or hard-of-hearing pupil obtain an education in which his or her parents are involved in determining the extent, content, and purpose of programs.
- (e) It is essential that a deaf or hard-of-hearing pupil, like all pupils, have programs in which his or her unique vocational needs are provided for, including appropriate research, curricula, programs, staff, and outreach.
- (f) Each deaf or hard-of-hearing pupil should receive an education that allows him or her to master a primary language.

SEC. 4.

- SEC. 2. Section 59001.4 is added to the Education Code, to read:
- 59001.4. It is the intent of the Legislature that programs at the California School for the Deaf provide all of the following:
- (a) Each pupil should be assured an education appropriate to his or her needs in publicly supported programs through completion of his or her prescribed course of study or until the time that he or she has met proficiency standards.

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(b) Each pupil should have his or her educational goals, objectives, special education, and related services specified in a written individualized education program.

- (c) Procedures and materials for assessment and placement of individuals with exceptional needs should be selected and administered so as not to be racially, culturally, or sexually discriminatory. No single assessment instrument should be the sole criterion for determining placement of a pupil. The procedures and materials for assessment and placement should be in the individual's mode of communication of the individual. All assessment materials and procedures should be selected and administered pursuant to Section 56320.
- (d) Psychological and health services for individuals with exceptional needs should be available to each schoolsite.
- (e) Continuous evaluation of the effectiveness of these education programs should be made to ensure the highest quality educational offerings.
- (f) Appropriate qualified staff should be employed, consistent with credentialing requirements, to fulfill the educational responsibilities, and positive efforts are made to employ qualified deaf and hard-of-hearing individuals.
- (g) Educational and residential program personnel should be adequately prepared to provide educational instruction and services to individuals with exceptional needs in the appropriate communication mode, including American Sign Language.
- (h) There should be appropriate access to information and training in American Sign Language for parents and pupils to ensure that they are able to appropriately communicate with their families.

SEC. 5.

- SEC. 3. Section 59009 is added to the Education Code, to read:
- 59009. During the 2004–05, 2005–06, and 2006–07 school years, for purposes of hiring a certificated individual to instruct deaf pupils, preference shall first be given to a candidate who achieves a minimum score of 4 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test selected by the American Sign Language evaluation

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1 committee of the California School for the Deaf that assesses2 American Sign Language linguistic competency.

SEC. 6.

- SEC. 4. Section 59010 is added to the Education Code, to read:
- 59010. (a) Commencing with the 2004–05 school year, an individual may not be hired as a certificated employee to instruct deaf pupils, unless the individual achieves a minimum score of 2.5 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test selected by the American Sign Language evaluation committee of the California School for the Deaf that assesses American Sign Language linguistic competency.
- (b) Commencing with the 2005–06 school year, an individual may not be hired as a certificated employee to instruct deaf pupils, unless the individual achieves a minimum score of 3 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in subdivision (a).
- (c) Commencing with the 2006–07 school year, an individual may not be hired as a certificated employee to instruct deaf pupils, unless the individual achieves a minimum score of 3.5 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in subdivision (a).
- (d) Commencing with the 2007–08 school year, an individual may not be hired as a certificated employee to instruct deaf pupils, unless the individual achieves a minimum score of 4 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in subdivision (a).
- (e) The minimum score requirements specified in subdivisions (a) to (d), inclusive, may be waived by the superintendent of the school if he or she certifies that no candidate who meets those requirements has applied to instruct deaf pupils and open positions remain.

SEC. 7.

- 36 SEC. 5. Section 59011 is added to the Education Code, to read:
- 38 59011. (a) Commencing with the 2004–05 school year, and 39 every three years thereafter, a certificated employee who instructs 40 deaf pupils and who has not achieved a minimum score of 4 on the

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American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test selected by the American Sign Language evaluation committee of the California School for the Deaf that assesses American Sign Language linguistic competency, shall retake one of those assessments.

- (b) A certificated employee who instructs deaf pupils and who does not achieve a minimum score of 4 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in subdivision (a), may not be subject to discipline. The certificated employee shall be encouraged to study until that score is achieved.
- (c) Any fee imposed to take the ASLPI, SCPI, or an alternate test, as described in subdivision (a), shall be paid by the certificated employee. If the certificated employee receives a minimum score of 4 on the ASLPI or an equivalent score on the SCPI or on the alternate test, the California School for the Deaf shall reimburse the certificated employee for that fee.

SEC. 8.

- SEC. 6. Section 59012 is added to the Education Code, to read:
- 59012. (a) For purposes of hiring an individual to serve as a substitute teacher, preference shall be given as follows:
- (1) First, to a candidate who achieves a minimum score of 4 on the American Sign Language Proficiency Index (ASLPI) or an equivalent score on the Sign Communication Proficiency Interview (SCPI) or on an alternate test selected by the American Sign Language evaluation committee of the California School for the Deaf that assesses American Sign Language linguistic competency.
- (2) Second, to a candidate who achieves a minimum score of 3 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in paragraph (1).
- (3) Third, to a candidate who achieves a minimum score of 2.5 on the ASLPI or an equivalent score on the SCPI or on an alternate test, as described in paragraph (1).
- (b) A candidate who fails to achieve a score of at least 2.5 on the ASLPI or who fails to achieve an equivalent score on the SCPI or on an alternate test, as described in paragraph (1), may not be hired as a substitute teacher.

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SEC. 9. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.